

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVA TYREE O'NEAL,

Petitioner,

vs.

MICHAEL KENNEY,

Respondent.

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4:01cv3069

MEMORANDUM AND ORDER

This matter is before the court on filing nos. 82, 83, 84 and 86, additional post-judgment motions filed by the petitioner, Keva Tyree O'Neal. Mr. O'Neal seeks to continue to litigate issues relating to the Petition for Writ of Habeas Corpus which he filed in this action on April 6, 2001. However, judgment has been entered in this case (filing no. 60) on the basis of the statute of limitations, and the Eighth Circuit Court of Appeals (filing no. 74) dismissed the petitioner's appeal.

The petitioner is limited to one habeas corpus petition in this court per conviction, unless the Eighth Circuit Court of Appeals grants him permission to file a second or successive habeas corpus petition relating to the same conviction. 28 U.S.C. § 2244(b) precludes the filing of a second or successive habeas corpus petition, in any form, absent certification by a panel of the appropriate court of appeals for the circuit in which the district court is located, authorizing the district court to consider the successive petition. Post-judgment motions, such as those filed by the petitioner, in which he attempts to reopen this case and continue to litigate his habeas corpus claims amount to the equivalent of a second or successive habeas corpus petition.

Until such time as the Eighth Circuit grants the petitioner leave to file a second or

successive habeas corpus petition, any further post-judgment motions attempting to litigate issues in the above-entitled case will have to be denied pursuant to 28 U.S.C. § 2244(b). Therefore, filing nos. 82, 83, 84 and 86, the post-judgment motions filed by the petitioner, Keva Tyree O'Neal, are denied.

SO ORDERED. .

March 16, 2006.

BY THE COURT:

/s Richard G. Kopf
United States District Judge